

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD  
REGULAR MEETING  
HELD MONDAY, FEBRUARY 20, 2023 AT 6:30 P.M.  
COMMISSIONERS ROOM – THIRD FLOOR  
NASH COUNTY ADMINISTRATION BUILDING  
120 WEST WASHINGTON STREET  
NASHVILLE, NC 27856**

**BOARD MEMBERS PRESENT**

Kevin Smith, Chairman  
Philip Brannan  
Moses Brown, Jr.  
Jimmy Glover  
Kimberly Moore  
Barbara Pulley  
Ethan Vester

**BOARD MEMBERS ABSENT**

DeLeon Parker, Jr., Vice-Chairman  
Chris Sandifer

**STAFF MEMBERS PRESENT**

Adam Tyson, Planning Director  
Windy Braswell, Planning Technician

**OTHERS PRESENT**

Mary Elizabeth Gorry  
Joshua Forrest Hancock  
Erich Zurdo

**1. Call to Order.**

Chairman Smith called the meeting to order at 6:30 p.m.

**2. Determination of a Quorum.**

Chairman Smith recognized the presence of a quorum.

**3. Approval of the Minutes of the January 17, 2023 Regular Meeting.**

The minutes of the January 17, 2023 regular meeting were provided to each Board member for review. Chairman Smith asked for any revisions or corrections. None were offered.

**BOARD ACTION: Mr. Glover offered a motion, which was duly seconded by Mr. Vester, to approve the minutes of the January 17, 2023 regular meeting as submitted.**

**The motion was unanimously carried.**

**4. Review of Public Comment Policy.**

With the Chairman's permission, Mr. Tyson forewent the usual review of the Board's public comment policy because there were no members of the public present at the meeting other than the request applicants.

**5. Conditional Rezoning Request CZ-230201 made by Mary E. Gorry, the property owner, to rezone the 4.66-acre tract of land located at 12731 Edwards Rd, Spring Hope, NC 27882 from GC-CU (General Commercial Conditional Use) to GC-CZ (General Commercial Conditional Zone), to permit the operation of a photography studio in the clubhouse building of the former Willobe Lane Golf Course.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-230201 as submitted to the Board in the February 20, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on February 14, 2023 and recommended approval along with the suggested statement of plan consistency and reasonableness and the development conditions listed in the report.

The property owners/applicants, Joshua F. Hancock and Mary E. Gorry, addressed the Board in support of the request.

**BOARD ACTION: Mr. Glover offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Rezoning Request CZ-230201 to rezone the subject property to GC-CZ (General Commercial Conditional Zone) to add photography studio as a permitted land use and approval of the suggested statement of plan consistency and reasonableness and the listed development conditions for the consideration of the Nash County Board of Commissioners.**

**Statement of Plan Consistency and Reasonableness:**

**Conditional Rezoning Request CZ-230201 is:**

**(1) Consistent with the recommendations of the 2022 Nash County Comprehensive Land Use Plan for the establishment of limited, non-residential land uses in a Residential /**

**Agricultural Area because:**

**(a) The subject property has both frontage along and direct access to Edwards Rd, a state-maintained secondary road.**

- (b) The existing building is separated from adjacent, residential development and the site is mostly screened from view by existing vegetation.
- (c) The proposed commercial land use is limited in both size and scope by the restrictions and recommended conditions of the rezoning request.
- (2) Inconsistent with the recommendations of the plan because:
  - (a) The subject property is not located within a ¼ mile of a major intersection.
  - (b) The subject property is not located in proximity to other, existing commercial land uses with the exception of the remainder of the former golf course.
- (3) Reasonable, in the public interest, and not “spot zoning” because the subject property is already zoned for commercial use and the proposed photography studio should be substantially less intensive than the currently permitted 24-hour, illuminated golf course.

**Development Conditions:**

- (1) The subject property is approved specifically for use as a golf course, swimming pool, and/or a photography studio.
- (2) The subject property shall be developed in accordance with the approved site plan.
- (3) All lights used for the illumination of the golf course shall be shielded so that the light will not shine directly on surrounding properties or create a traffic hazard or distraction to operators of motor vehicles on the public road.
- (4) The off-street parking requirements for the golf course shall be as follows: 4 parking spaces per hole and 1 parking space per employee during the shift of highest employment.
- (5) The existing vegetative screening buffer located along the road frontage shall be preserved and maintained.
- (6) This conditional zoning map amendment shall be invalid unless and until the petitioner consents in writing to all the attached development conditions.

The motion was unanimously carried.

- 6. Property of Erich Zurdo Subdivision Sketch Plan submitted by Erich Zurdo, the property owner, to upgrade the existing Pettiford Ln from a private access easement to a dedicated private road for the development of five new residential lots on a 6.62-acre tract of land located on the north side of N Old Franklin Rd, Spring Hope, NC 27882 in the A1 (Agricultural) Zoning District.

Mr. Tyson presented the staff report and supplemental materials related to the subdivision sketch plan for the property of Erich Zurdo as submitted to the Board in the February 20, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the subdivision sketch plan on February 14, 2023 and recommended approval, subject to the sketch plan revisions and development notes listed in the report.

Mr. Glover asked when the proposed private road would be required to be paved.

Mr. Tyson answered that it would have to be paved before it could serve more than ten lots.

**BOARD ACTION:** Mr. Glover offered a motion, which was duly seconded by Mr. Vester, to approve the Property of Erich Zurdo Subdivision sketch plan, subject to the following sketch plan revisions and development notes:

**Sketch Plan Revisions:**

- (1) The proposed width of the PETTIFORD LANE private road right-of-way shall be increased from 45 feet to 50 feet to comply with the requirement of UDO Section 10-7.3(G)(2) that all private roads must satisfy the minimum NCDOT design and construction standards for public roads, with the exception of the paving requirements.
- (2) The travel surface radius of the proposed private road cul-de-sac shall be labeled and confirmed to be at least 45-foot in order to comply with the minimum requirement of UDO Section 10-7.3(G)(2).
- (3) The proposed PETTIFORD LANE private road right-of-way shall be depicted by a solid property boundary line and labeled with its total area, which shall be removed from the total areas of the five new residential lots.
- (4) A 5-FOOT WIDE NON-ACCESS EASEMENT shall be depicted and labeled on NEW LOT 10-E along the N OLD FRANKLIN ROAD public right-of-way to ensure that lot is accessed only from PETTIFORD LANE.
- (5) The portions of NEW LOT 10-E depicted within the N OLD FRANKLIN ROAD public right-of-way shall be cross-hatched.
- (6) The title of the plat shall be revised from MINOR SUBDIVISION to MAJOR SUBDIVISION SKETCH PLAN.
- (7) The numbering of the GENERAL NOTES shall be corrected because the number 3 has been omitted.
- (8) Under PROPERTY DATA, the following additional minimum building SETBACK distance shall be noted – CORNER: 25' and it shall only apply on NEW LOT 10-E along the N OLD FRANKLIN ROAD public right-of-way.
- (9) The required minimum building SETBACK distances shall be depicted on each of the proposed new lots as dashed lines.
- (10) The OWNER / DEVELOPER'S contact information (ADDRESS and PHONE NUMBER) shall be noted on the sketch plan.
- (11) The SR (State Road) Number for PLEASANT GROVE CHURCH ROAD shall be corrected from SR 1300 to SR 1301.

**Development Notes:**

**Future Preliminary Construction Plat Approval Requirements:**

- (1) Road Design Approval & Driveway Permit by NCDOT
- (2) Sedimentation & Erosion Control Plan Approval by NCDEQ
- (3) Tar-Pamlico Overlay District Stormwater Permit Issued by Nash County Planning
- (4) Designated Location for Shared CBU (Cluster Box Unit) Mailbox Kiosk or Written Approval of Individual Mail Delivery for NEW LOTS 10-A to 10-E from the Spring Hope USPS Postmaster.

**Future Final Plat Approval Requirements:**

- (1) Certification of Road Construction Sealed by a NC Licensed Professional Engineer
- (2) Licensed Soil Scientist Report Approval by Nash County Environmental Health
- (3) Declaration Establishing a Property Owners' Association
- (4) Deed Transferring Ownership of the Private Road Right-of-Way to the Property Owners' Association
- (5) Private Road Disclosure Statement & Maintenance Agreement per N.C.G.S. 136-102.6(f)

The motion was unanimously carried.

**7. UDO Text Amendment Request A-230201 to amend the Nash County Unified Development Ordinance Section 10-7.2 (B)(1)(d) to adjust the minimum land area requirement for off-site wastewater systems serving an individual lot or principal structure.**

Mr. Tyson presented the staff report and supplemental materials related to UDO Text Amendment Request A-230201 as submitted to the Board in the February 20, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on February 14, 2023 and recommended approval.

Mr. Vester asked why it was necessary to require the actual installation of the primary septic system repair area when it may never need to be utilized.

Mr. Tyson answered that requirement was a component of the already-existing regulations, but he speculated that its purpose was to minimize the number of times that the adjacent property where the off-site septic system was located would have to be disturbed.

**BOARD ACTION: Ms. Pulley offered a motion, which was duly seconded by Mr. Brown, to recommend approval of UDO Text Amendment Request A-230201 to adjust the minimum land area requirement for off-site wastewater systems serving an individual lot or principal structure and the following suggested statement of plan consistency for the consideration of the Nash County Board of Commissioners.**

**Statement of Plan Consistency:**

**UDO Text Amendment Request A-230201 is neither consistent nor inconsistent with the recommendations of the Nash County 2022 Comprehensive Land Use Plan, which does not specifically address the minimum land area requirement for off-site wastewater systems serving an individual lot or principal structure.**

**The motion was unanimously carried.**

**8. Other Business.**

Mr. Tyson provided the following updates on the planning actions taken by the Nash County Board of Commissioners at its regular meeting on February 6, 2023:

Conditional Rezoning Request CZ-221201 to rezone 3.94 acres on S Halifax Rd, Rocky Mount to GC-CZ for the proposed Davis-Little Funeral Home was tabled to allow further consideration of the requirements for the onsite wastewater system.

UDO Text Amendment Request A-221201 to allow for shared off-site wastewater systems serving multiple residential lots or structures was approved.

**9. Adjournment.**

There being no further business, Chairman Smith adjourned the meeting at 7:00 p.m.